

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Nazarenko *et al.*

Appl. No. 09/599,594

Filed: June 22, 2000

For: **Improved Primers and Methods for
the Detection and Discrimination
of Nucleic Acids**

Art Unit: 1645

Examiner: To Be Assigned

Atty. Docket: 0942.4980002/RWE/KKV

Information Disclosure Statement

Commissioner for Patents
Washington, DC 20231

Sir:

Listed on accompanying Form PTO-1449 are documents that may be considered material to the examination of this application, in compliance with the duty of disclosure requirements of 37 C.F.R. §§ 1.56, 1.97 and 1.98. A copy of each of these documents is provided.

Where the publication date of a listed document does not provide a month of publication, the year of publication of the listed document is sufficiently earlier than the effective U.S. filing date and any foreign priority date so that the month of publication is not in issue. Applicants have listed publication dates on the attached PTO-1449 based on information presently available to the undersigned. However, the listed publication dates should not be construed as an admission that the information was actually published on the date indicated.

Document AS4 is in a foreign language. An English translation is not readily available. Document AS4 appears to show that in FRET (fluorescence resonance energy transfer) (wherein energy is passed non-radiatively over a long distance (10-100 Å) between a donor molecule, which is a fluorophore, and an acceptor molecule), the donor absorbs a photon and transfers this energy non-radiatively to the acceptor. Further, document AS4 appears to show that the efficiency of energy transfer is proportional to $D \times 10^{-6}$, where D is

the distance between the donor and acceptor. Effectively, this means that FRET can most efficiently occur up to distances of about 70 Å.

Applicants reserve the right to establish the patentability of the claimed invention over any of the information provided herewith, and/or to prove that this information may not be prior art, and/or to prove that this information may not be enabling for the teachings purportedly offered.

This statement should not be construed as a representation that a search has been made, or that information more material to the examination of the present patent application does not exist. The Examiner is specifically requested not to rely solely on the material submitted herewith. It is further understood that the Examiner will consider information that had been cited or submitted to the U.S. Patent and Trademark Office in a prior application relied on under 35 U.S.C. § 120. 1138 OG 37, 38 (May 19, 1992).

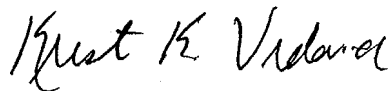
This Information Disclosure Statement is being filed before the mailing date of a first Office Action on the merits. No statement or fee is required.

It is respectfully requested that the Examiner initial and return a copy of the enclosed PTO-1449, and to indicate in the official file wrapper of this patent application that the documents have been considered.

The U.S. Patent and Trademark Office is hereby authorized to charge any fee deficiency, or credit any overpayment, to our Deposit Account No. 19-0036.

Respectfully submitted,

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